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Restaurant Holding, LLC; Fat Brands Inc.

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Frank Schurr, an individual

Plaintiff,

vs.

Twin Restaurant LV-1, LLC dba Twin Peaks, a  
domestic limited liability company, Twin Restaurant  
LV-2, LLC dba Twin Peaks, a domestic limited  
liability company, a foreign corporation; Twin  
Restaurant Holding, LLC, a foreign limited liability  
company, Fat Brands, Inc., a foreign corporation;  
Roe Distributors I through X, Roe Manufacturers I  
through X, Roe Business Entities, I through X; and  
DOE Individuals I through X; Inclusive,

Defendant.

Case No.: 2:22-cv-1759

**Defendants' Removal Petition**

There are 4 defendants named in the caption. Defendant Twin Restaurant LV-1, LLC was previously dismissed.<sup>1</sup> The remaining defendants are Twin Restaurant LV-2, LLC, Twin Restaurant Holding, LLC, and Fat Brands Inc. These remaining defendants petition to remove this case to the United States District Court for the District of Nevada from the Eighth Judicial District Court for the State of Nevada. This petition for removal is signed per Rule 11.

<sup>1</sup> ECF No. 1-6.

Removal is appropriate per 28 U.S.C. § 1441 because diversity jurisdiction is present per 28 U.S.C. 1332. Plaintiff alleges he is a citizen of Nevada.<sup>2</sup> The three defendants are part of the same corporate structure. The ownership structure for Twin Restaurant LV-2, LLC is traced below. It ultimately terminates with FAT Brands, Inc. This corporation is incorporated in Delaware and its principal place of business is in California, thus complete diversity is present.

- Twin Restaurant LV-2, LLC's sole member is
  - Twin Restaurant Investment Company II, LLC, whose sole member is
  - Twin Restaurant Development, LLC, whose sole member is
  - Twin Restaurant Holding, LLC, whose sole member is
  - Twin Peaks Buyer, LLC, whose sole member is
  - FAT Brands Twin Peaks I, LLC, whose sole member is
  - FAT Brands, Inc.

Plaintiff filed his complaint but alleged only damages in excess of \$15,000.<sup>3</sup> On September 21, 2022 Plaintiff filed a procedural motion in state court alleging the medical treatment incurred due to his injury has cost \$138,310.70.<sup>4</sup> Defendants removed within 30 days of notice that the amount in controversy exceeded \$75,000.

Based upon this, diversity jurisdiction is present and timely invoked.

DATED this 19<sup>th</sup> day of October, 2022.



BY: /s/ Michael Lowry

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<sup>2</sup> ECF No. 1-2 at ¶ 1.

<sup>3</sup> ECF No. 1-2 at ¶¶ 14, 40, 49, and prayer for relief.

<sup>4</sup> ECF No. 1-5.

**Certificate of Service**

Pursuant to FRCP 5, I certify on October 19, 2022, I served **Defendants' Removal Petition** as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

VALIENTE MOTT, LTD 700 South 7 <sup>th</sup> Street Las Vegas, NV 89101	
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BY: /s/ Michael Lowry